

Message Text

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14
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C O N F I D E N T I A L MOSCOW 13532

E.O. 11652: GDS

TAGS: EAIR, US, UR

SUBJ: SOVIET RESPONSE TO U.S. PROTEST NOTE ON
AEROFLOT TICKETING PRACTICES

REF: A) MOSCOW 12321, B) STATE 17089

1. SUMMARY: MFA NOTE IN RESPONSE TO OUR JULY 13 PROTEST NOTE ON CIVAIR REITERATES SOVIET INTERPRETATION OF ARTICLES 1 AND 14 OF BILATERAL AGREEMENT AND JUSTIFIES AEROFLOT PRACTICES WE COMPLAINED ABOUT. POSSIBLE ACTION BY U.S. AUTHORITIES IS CHARACTERIZED AS "UNJUSTIFIED AND INAPPROPRIATE". ORALLY, MFA REPRESENTATIVE SPOKE VAGUELY OF FURTHER TALKS BETWEEN "AGENCIES." U.S. ACTION TO LIMIT AEROFLOT TICKETING IN THE U.S. SEEMS APPROPRIATE.
END SUMMARY.

2. MFA USA DIVISION COUNSELOR (FOR BILATERAL AFFAIRS) CHETVERIKOV CALLED IN ACTING POL COUNSELOR AUG 26 TO HAND OVER FOLLOWING NOTE IN RESPONSE TO OUR PROTEST NOTE OF JULY 16:

3. BEGIN TEXT: THE MINISTRY OF FOREIGN AFFAIRS OF THE UNION OF SOVIET SOCIALIST REPUBLICS REFERS TO THE NOTE OF THE EMBASSY OF THE UNITED STATES OF AMERICAN NUMBER 0874 OF JULY 13, 1976 AND CONSIDERS IT NECESSARY TO STATE THE FOLLOWING.

4. IN THE EMBASSY NOTE CITED ABOVE IT IS ASSERTED THAT SOVIET
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CIVIL AVIATION AUTHORITIES ARE NOT ADHERING TO THE TERMS OF

THE CIVIL AVIATION AGREEMENT BETWEEN THE GOVERNMENTS OF THE USSR AND USA OF NOVEMBER 4, 1966, AND THAT THIS WAS SUPPOSEDLY MANIFESTED IN THE REFUSAL OF AEROFLOT TO ACCEPT REQUESTS FOR TICKETS WITH PAYMENT IN RUBLES FOR PAN AMERICAN FLIGHTS ORIGINATING OUTSIDE THE USSR. IN SUPPORT OF SUCH AN ASSERTION, THE EMBASSY NOTE MAKES REFERENCE TO ARTICLE 14, POINT 3 OF THE AGREEMENT, WHICH STIPULATES THE PASSENGER'S FREEDOM OF CHOICE OF AIRLINE AND THE OPPORTUNITY OF PAYMENT BY HIM FOR THE AIR SERVICE IN THE CURRENCY OF THAT COUNTRY WHERE THE PAYMENT TAKES PLACE, AS IF THIS ARTICLE CAN BE INTERPRETED OUTSIDE THE CONTEXT OF THE AGREEMENT. THE SOVIET SIDE, HOWEVER, CANNOT AGREE WITH SUCH AN INTERPRETATION OF ARTICLE 14 OF THE AGREEMENT.

5. AS CLEARLY STIPULATED IN ARTICLE I OF THE AGREEMENT, EACH SIDE EXTENDS TO THE OTHER SIDE THE RIGHTS STIPULATED IN THE AGREEMENT FOR THE IMPLEMENTATION ONLY OF THE AGREED AIR ROUTES WHICH AT PRESENT ARE: FOR THE DESIGNATED AIRLINE OF THE USSR - THE ROUTES MOSCOW-NEW YORK AND MOSCOW-WASHINGTON; AND FOR THE DESIGNATED AIRLINE OF THE USA - NEW YORK-MOSCOW AND NEW YORK-LENINGRAD. INASMUCH AS NO SPECIAL EXCEPTIONS FOR ARTICLE 14 ARE MADE IN THE AGREEMENT, IT IS CLEAR THAT THE APPLICABILITY OF THIS ARTICLE DOES NOT EXTEND BEYOND THE CONFINES OF THE AGREED ROUTES. ALL THE EXAMPLES CITED IN THE EMBASSY NOTE OF AEROFLOT'S REFUSAL TO FULFILL REQUESTS FOR TICKETS FOR PAN AMERICAN CUSTOMERS WERE PRECISELY IN THOSE CASES WHEN THE MATTER CONCERNED FLIGHTS ON THE NON-AGREED ROUTES. THEREFORE, THESE CASES GO BEYOND THE PROVISIONS OF THE CIVIL AVIATION AGREEMENT BETWEEN THE USSR AND USA.

6. THEREFORE, THE ACTIONS OF AEROFLOT IN THE IMPLEMENTATION AND PAYMENT FOR AIR SERVICE ARE COMPLETELY JUSTIFIED AND CONFORM TO THE PROVISIONS OF THE 1966 AGREEMENT. IN THIS CONNECTION, THE MINISTRY VIEWS AS UNJUSTIFIED AND INAPPROPRIATE THE STATEMENT CONTAINED IN THE EMBASSY NOTE ABOUT THE POSSIBILITY OF INTRODUCING SOME FORM OF LIMITATIONS ON THE ACTIVITY OF AEROFLOT IN THE UNITED STATES. END TEXT.

7. IN RESPONSE, ACTING POL COUNSELOR SAID HE WOULD TRANSMIT TEXT, ADDING THAT IN U.S. VIEW A CLEAR VIOLATION OF A BILATERAL CONFIDENTIAL

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AGREEMENT WAS INVOLVED, AND THAT IN HIS PERSONAL VIEW ANY CONSEQUENCES FLOWING FROM THIS WOULD BE RESPONSIBILITY OF SOVIET SIDE. CHETVERIKOV POINTED OUT THAT RANGE OF CIVIL AVIATION ISSUES WAS BROADER THAN THOSE DISCUSSED IN EXCHANGE OF NOTES, AND THAT HE UNDERSTOOD DISCUSSION OF FULL RANGE HAD TAKEN PLACE AND WOULD CONTINUE BETWEEN GOVERNMENT AGENCIES DIRECTLY CONCERNED. ADMITTEDLY, HE SAID, NO DATE HAD BEEN FIXED FOR FURTHER DISCUSSION. ON NARROWER ISSUES INVOLVED

IN EXCHANGE, IT DID NOT SEEM TO HIM THAT U.S. INTERPRETATION OF ARTICLES IN QUESTION OF THE AGREEMENT WAS BASED ON THE TEXT ITSELF.

8. COMMENT: BY REITERATING AN INTERPRETATION OF THE AGREEMENT WHICH IS WITHOUT FOUNDATION EITHER IN THE TEXT OR THE NEGOTIATING HISTORY, AS WE READ IT, AND WHICH ALSO DIRECTLY CONTRADICTS AEROFLOT'S OBLIGATIONS AS PAN AMERICAN'S GENERAL AGENT IN THE USSR, SOVIETS APPEAR TO HAVE SIGNALLED UNWILLINGNESS EITHER TO ADMIT VIOLATION OR RECTIFY INJURIOUS PRACTICES WE COMPLAINED ABOUT. IN OUR VIEW, CAB ACTION ON AEROFLOT TICKETING, AS RECOMMENDED IN REFTEL A, IS MORE APPROPRIATE NOW THAN EVER. WE SUSPECT THAT SOVIET STUBBORNNESS ON PAA TICKETING IS CLOSELY RELATED TO SHORTAGE OF HARD CURRENCY, WHICH ALSO IS REFLECTED IN DISPUTE OVER BILATERAL MARITIME ISSUES. STOESSEL

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